

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF SOUTH CENTRAL BELL	)	
TELEPHONE COMPANY FOR CONFIDENTIAL	)	
TREATMENT OF INFORMATION FILED IN	)	CASE NO. 93-164
SUPPORT OF ITS PROPOSED TARIFF FOR	)	
CUSTOM NETWORK SERVICE ARRANGEMENT II	)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed April 28, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support information developed in connection with its proposed tariff for Custom Network Service Arrangement II on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell proposes to offer a new custom designed service called Custom Network Service Arrangement II. This service provides volume pricing for very large digital data networks. It is specifically designed to be attractive to a large analog data customer wanting to convert to a digital network in a relatively short time frame. By this petition, South Central Bell seeks to protect as confidential the cost data developed in support of the proposed service.

The information sought to be protected is not known outside of South Central Bell and is disseminated within South Central Bell

to only those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell competes in the market for large customer networks with providers of private microwave systems, providers of fiber networks, and small satellite systems. The demand and revenue estimates contained in the information sought to be protected could be used by such competitors to analyze market potential at the expense of South Central Bell. Therefore, the information has competitive value and should be protected as confidential.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that the cost information developed in connection with the proposed tariff for the custom designed service referred to as Custom Network Service Arrangement II, which South Central Bell has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 25th day of May, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director